

REMARKS

Applicant respectfully requests consideration of the subject application.

Status of Claims

Claims 1-6, 8-15, 17-20, 22-26, and 28-33 remain pending in the application. Claims 1, 6, 8, 15, 17, 22, 26, 28 and 33 have been amended. No new matter has been added. No claims have been added. Claims 7, 16, 21, 27 and 34 have been cancelled.

Amendments made to the claims are supported by the specification and are intended to clarify the invention. Support in the specification can be found in at least page 5, lines 5-7; page 6, lines 1-8; page 9, lines 7-9; page 10, lines 10-17; and Figure 3A.

Claim Rejections – 35 U.S.C. § 102

Claims 1-3, 17-20, 22-24, and 28-30 have been rejected under 35 U.S.C.

102(e) as being anticipated by Abe.

Independent Claims 1, 17, 22 and 28

Amended independent claim 1 contains the element "...deleting the portion from the storage in response to the user deletion command such that the portion is no longer stored on the storage and is thereby destructively edited." (Emphasis added).

Amended independent claim 17 contains the element "...a processor for selecting a portion of the time based stream of information and deleting the portion from the storage in response to a user deletion command such that the

portion is no longer stored on the storage and is thereby destructively edited."

(Emphasis added).

Amended independent claim 22 contains the element "...means for deleting the portion from the storage in response to the user deletion command such that the portion is no longer stored on the storage and is thereby destructively edited." (Emphasis added).

Amended independent claim 28 contains the element "...delete the portion from the storage in response to the user deletion command such that the portion is no longer stored on the storage and is thereby destructively edited." (Emphasis added).

Abe discloses a video editing apparatus and method for editing a video sequence or video clip where an editing operation for setting an editing point of a video sequence or a video clip can be performed rapidly and efficiently. The Final Office Action states that "Abe discloses the host computer 15 deletes the video clip and the corresponding audio clip from external storage apparatus (22) ... is broadly met by deleting video/audio clips from the external memory apparatus ..." (page 2, Final Office Action 07/28/05).

Applicant wishes to clarify that the deletion action in Abe is indeed typical and well-known in the art. Abe is similar to the prior art that Applicant has described in the Background section of the Specification. As described, the deleted or unused portion of the information in the prior art actually remains in storage but not destructively removed. In fact, the deleted or unused portion of the information is only "temporarily discarded" or "hidden" thus pointlessly

consumes space which can be better used for a presentation (Page 4, line 30 – Page 5, line 4). All the while in the prior art, the user is permitted to control what is viewed in the presentation by moving the in and out points that indicate the segments of information that are to be accessed, and if necessary, retrieve the “deleted” information from the hidden storage.

Abe’s deletion process is described in Figure 12 and in Col. 16, line 30 to Col. 17, line 40. Abe describes that a frame deletion mode is entered when the mark-in and mark-out points are inserted, and the video and audio clips designated by the mark-in and mark-out points are removed from the timeline window when the delete operation is executed. Applicant submits that it is typical and well known to those skilled in the art that the clips are merely removed from the displaying sequence of frames but is not destructively edited and are no longer stored on the storage. Thus, Applicant submits that Abe fails to anticipate the limitation “...such that the portion is no longer stored on the storage and is thereby destructively edited” as amended in independent claims 1, 17, 22 and 28.

Dependent claims 2-3, 18-20, 23-24 and 29-30

Claims 2-3, 18-20, 23-24, and 29-30 depend from independent claims 1, 17, 22 and 28 and thus include the emphasized limitation. As such, the Applicant submits that claims 1-3, 17-20, 22-24, and 28-30 are not anticipated by Abe under 35 U.S.C. §102(e) and respectfully request the withdrawal of the rejection of claims.

Claim Rejections – 35 U.S.C. § 103

Claims 4, 25, and 31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Abe in view of Chao et al.

Dependent Claims 4, 25, and 31

Abe is described above. Chao discloses a video and audio cursor video editing system to edit video sequences. Chao describes the selection of a first video segment from a larger original video sequence and then further allow editing of a second video segment selected from the first video segment from the original video sequence by selecting the timeline of that video segment. Similarly, the deletion operation in Chao resembles that of the prior art previously described by the Applicant. Nothing in Chao anticipates the limitation of “.... such that the portion is no longer stored on the storage and is thereby destructively edited”.

Thus, Chao fails to cure the deficiency in Abe.

Dependent claims 4, 25 and 31 depend from independent claims 1, 22 and 28 which includes the limitation “... such that the portion is no longer stored on the storage and is thereby destructively edited”. Combination of Abe and Chao fails to teach or suggest the emphasized limitation. Therefore, applicant respectfully submits that claims 4, 25, and 31 are patentable over Abe and Chao.

Claims 5-6, 21, 26 and 32-33 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Abe in view of Gammon.

Dependent claims 5-6, 21, 26, and 32-33

Abe is described above. Gamon describes a system for maintaining a user modifiable confirmation message configuration specifying with respect to a

plurality of operations whether to communicate a confirmation. Gamon describes a “recycle bin, which is a folder, or memory location, into which deleted objects are stored. If the user later decides that the deleted object is needed, the user can direct operating system to restore the object from the recycle bin. The user can also empty the recycle bin, which directs operating system to permanently delete objects in the recycle bin, so that they cannot be restored.” (Col. 7, lines 31-38). Gamon describes two aspects of deleting an object: (1) to store deleted objects in to a temporary storage where deleted objects can be restored; and (2) a subsequent affirmative command is required from the user to permanently delete an object.

Gamon’s first aspect on deleting an object in fact teaches away from the amended limitation “...such that the portion is no longer stored on the storage and is thereby destructively edited” in independent claims 1, 22 and 28. Gamon’s second aspect on deleting an object also teaches away from the amended limitation “... directly without an intermediary step” in dependent claims 6, 26 and 33. Thus, Gamon fails to cure the deficiency in Abe. The combination of Gamon and Abe also fails to teach or suggest the amended limitations and therefore fails to teach or suggest the amended claims.

Claim 21 is cancelled. Claims 5, 6, 26, 32 and 33 depend from independent claims 1, 22 and 28. For at least the stated reasons, Applicant submits that claims 5, 6, 26, 32 and 33 are patentable over the combination of Abe and Gamon.

Claims 7, 27, and 34 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Abe.

Dependent Claims 7, 27 and 34

Dependent claims 7, 27 and 34 have been cancelled.

Claims 8, 11, 13, and 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Abe in view of Sacilotto.

Abe is described above. Sacilotto describes an intelligent transfer of multimedia data files from an editing system to a playback device. Specifically, Sacilotto discloses a method and system to avoid duplicate storage and transfer of multimedia data in a playback device to increase system bandwidth and available playback memory.

Sacilotto describes a reference count system that controls how a multimedia composition is deleted from the server when it is decided that the multimedia composition is no longer used. In this system, the server does not automatically delete a clip, but rather, the server deletes the clips only when the storage becomes greater than a particular percentage full (col. 8, lines 47-60). Thus, a condition must be satisfied before a clip is deleted. Further, Sacilotto specifically discloses that the clips deleted is in fact stored and can be reused "Although clips have a reference count zero, this does not mean that an editor might not use the media of the clip in the future. Therefore, keeping clips with a reference count of zero stored while there is excess capacity reduces the need to transfer data from the work station to playback device again if the data of the clip does not become reused." (Col. 8, lines 54-60).

Applicant's claim does not contain a limitation in which a condition in storage space needs to be satisfied before a deletion occurs. In addition, since Sacilotto discloses that clips can be reused, he teaches away from the limitation "...such that the portion is no longer stored on the storage and is thereby destructively edited" as disclosed in Applicant's amended independent claim 8. As such, Applicant claims that Sacilotto fails to cure the deficiency of Abe and the combination of Abe and Sacilotto fails to teach or suggest the elements contained in amended independent claim 8.

Claim 16 is cancelled in light of the amendment to claim 8. Claims 11 and 13 depend from claim 8 and thus incorporate the limitations contained therein. As such, Applicant submits that claims 8, 11 and 13 are patentable over Abe and Sacilotto.

Claims 9, 10, 12 and 15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, in view of Sacilotto, and further in view of Gammon.

Abe, Gamon and Sacilotto are described above. Claim 15 has been amended to include the limitation "... directly without an intermediary step". The references cited fail to cure each other's deficiency in teaching or suggesting the limitation "...such that the portion is no longer stored on the storage and is thereby destructively edited" as presented in independent claim 8 and the amended limitation in claim 15. Claim 9, 10, 12 and 15 depend from claim 8 and incorporates all its limitations. For at least this reason, Applicant submits that claims 9, 10, 12 and 15 are patentable over Abe, Gamon and Sacilotto.

Claim 14 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Abe in view of Sacilotto and further in view of Chao.

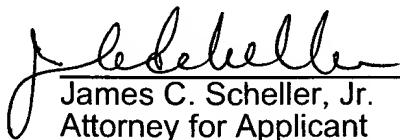
Abe, Sacilotto and Chao are described above. The references cited fail to cure each other's deficiency in teaching or suggesting the limitation "...such that the portion is no longer stored on the storage and is thereby destructively edited" as presented in independent claim 8. Claim 14 depend from claim 8 and incorporates all its limitations. For at least this reason, Applicant submits that claim 14 is patentable over Abe, Sacilotto and Chao.

Conclusion

In conclusion, applicant respectfully submits that in view of the amendments and arguments set forth herein, the applicable rejections have been overcome. If the allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact the undersigned at (408) 720-8300. If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 9/29 2005



James C. Scheller, Jr.
Attorney for Applicant
Registration No. 31,195

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030
(408) 720-8300